

**CITY OF MIDLAND, TEXAS  
BRIEFING SESSION AGENDA  
Tuesday, July 24, 2007, 9:00 a.m.  
City Hall Conference Room  
300 North Loraine  
Midland, Texas**

---

These items, as well as any other items on the regular posted agenda for the City Council Meeting on this date, may be discussed:

1. Presentation and discussion from McDonald Transit on the operations of the Midland Odessa Urban Transit District (EZ-Rider).

## AGENDA FOR CITY COUNCIL MEETING

Tuesday, July 24, 2007 – 10:00 a.m.

Council Chamber – City Hall

The Midland City Council agenda is posted for public notice at least 72 hours prior to the Tuesday meetings. All requests to be placed on the Council agenda by the public must be submitted to the City Manager, in writing, at least one week before the Council meetings. Such written requests must be in sufficient detail to identify the subject matter as well as the contact person who will represent the matter before the Council. The City Council reserves the right to not consider matters over which the City has no jurisdiction.

### ❖Item related to City Council goals

1. Invocation – Reverend Barry Thomas, Golf Course Road Church of Christ
2. Pledge of Allegiance

### **MISCELLANEOUS**

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
  - a. Presentation of a Proclamation for National Night Out.
  - b. Presentation of a Proclamation for Nancy McKinley, Midland County Historical Society.

### **CONSENT AGENDA**

4. Consider a motion approving minutes of the July 9, 2007 Special City Council Meeting and the July 10, 2007 Regular City Council Meeting.
5. Consider a resolution authorizing the execution of a contract with Lydick Hooks Roofing Company of Midland, Incorporated, for replacement of the roof at City Hall.

6. Consider a resolution adding one (1) special meeting and one (1) regular meeting to the City Council meetings scheduled for the 2007 calendar year.
7. Consider a resolution recording a vote on a proposal to consider an ad valorem tax increase and hold public hearings on the proposed tax increase.
- ❖8. Consider a resolution adopting regional and statewide labor markets for purposes of comparative salary data.
- ❖9. Consider a resolution amending Chapter IV, “Applications, Applicants, and Conditions of Employment”, Section 14, “Probation Periods”, of the City of Midland Personnel Policies; amending Chapter VI, “Wage and Salary Administration”, Section 2, “Pay Rates for New Employees”, Section 3, “Merit Increases”, Section 4, “Total Rate of Pay”, and establishing Section 10, “Compensation Policy Statement”, of the City of Midland Personnel Policies; and setting an effective date.
10. Consider a resolution establishing a project for improvements to soccer facilities within the City of Midland park system; and appropriating funds therefor.
- ❖11. Consider a resolution authorizing the City Manager to enter into a professional services contract with C. E. Hogue and Associates for the appraisal of a 3.08 acre tract of land out of Section 13, Block 40, T-1-S, T&P RR Company Survey, Midland County, Texas, and an easement located in a 6.86 acre tract of land out of Section 13, Block 40, T-1-S, T&P RR Company Survey, Midland County, Texas.
12. Consider a resolution authorizing the Midland Development Corporation to contribute funds for development of the United States Department of Energy’s FutureGen Project in the Permian Basin.

13. Receive for information and possibly discuss Third Quarter Fiscal Year 2006-2007 Investment Report.

### **SECOND READINGS**

14. Consider an ordinance on second reading on changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas by permitting a 24.75-acre tract of land situated in Section 1, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned MH, Manufactured Home District, and C-3, Commercial District, to be used as a MF-1, Multiple-Family Dwelling District; removing said tract of land from the Fire District; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication.
15. Consider an ordinance on second reading vacating and abandoning the 20-foot portion of alley right-of-way between Lots 1&4 and Lots 2& 3, Block 2, Haley Heights Addition, City and County of Midland, Texas; adopting the appraisal by the Interim City Manager of \$1,190.00; retaining a 20-foot wide general utility easement; and ordering recordation by the City Secretary.
16. Consider an ordinance on second reading vacating and abandoning the 45-foot portion of road right-of-way adjoining the west side of Lots 1 & 2; the 60-foot portion of Arapahoe Road right-of-way adjoining the south side of Lots 2 & 3; the 20-foot east-west alley adjoining the north side of Lot 3; and the north-south alley between Lot 3 and Lots 1 & 2; all said right-of-way being located in Block 17, 349 Ranch Estates Addition, Section 3, City and County of Midland, Texas; adopting the appraisal by the Interim City Manager of \$6,555.00; and ordering recordation by the City Secretary.

### **PUBLIC HEARINGS**

17. At 11:00 a.m. hold a public hearing and consider an ordinance on a request by W. I. Realty Acquisition, L.P. for a Planned District Site Plan on Lot 1, Block 5, Westridge Park Addition, Section 6, City and County of Midland, Texas. (Generally located on the south side of Deauville Boulevard, approximately 350 feet west of N. Loop 250 West.)

18. At 11:03 a.m. hold a public hearing and consider an ordinance on a request by Odessa Enterprises, Inc. for a Planned District Site Plan on Lot 4A, Block 27, Wydewood Estates, Section 28, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of W. Wadley Avenue and Sunburst Drive.)
19. At 11:06 a.m. hold a public hearing and consider an ordinance on a request by Julian Rubio dba Sedona Mexican Grill for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a nightclub, on 7,190 sq. ft. out of Lot 1-F, Block 5, Correction Plat of Colony Place, Section 5, City and County of Midland, Texas. (Generally located on the south side of W. Wadley Avenue, approximately 670 feet east of N. Garfield Street.)
20. At 11:09 a.m. hold a public hearing and consider an ordinance on a request by Community & Senior Services, Inc. for a Temporary Land Use Permit for a Philanthropic Event (Garage Sale) on the west 51.5 feet of Lot 5, all of Lot 6-10, and the east 22 feet of Lot 11, Block 8, Loma Linda Replat, City and County of Midland, Texas. (Generally located on the north side of Scharbauer Drive, approximately 250 feet west of Lamesa Road.)

#### **DEVELOPMENT SERVICES**

21. Consider a motion on the deferral of curb and gutter, water line and sewer line construction for ABCO West Industrial Park, Section 4, and a waiver of the associated public improvement guarantee.
22. Consider a resolution authorizing the execution of a workforce housing incentive agreement with QRE, L.P., for Phase One of Quail Ridge Addition, Section 2, City and County of Midland, Texas; appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code and Chapter 380 of the Texas Local Government Code.

#### **MISCELLANEOUS**

23. Consider an ordinance amending Title VI, "Police Regulations", Chapter VII, "Emergency Ambulances", Section X, "Fees for Ambulance Services Furnished by the City", of the City Code of Midland, Texas; containing a cumulative clause; containing a savings and severability clause; and setting an effective date.

24. Present the 2007 Spring School Study Report.
25. Consider an ordinance amending the Hotel/Motel Fund Budget for Fiscal Year 2006-2007 to provide funding for the Marian Blakemore Planetarium renovations.
26. Discuss and consider the terms of employment and/or the termination of City Manager Rick Menchaca with the City of Midland in accordance with the City Manager's At-Will Employment Agreement, the City of Midland Personnel Policies and the resolutions and ordinances of the City of Midland, and take any necessary action.
27. Consider a motion making appointments to various Boards and Commissions.
28. Recess to the conference room for lunch.
29. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:

**Consultation with the City Attorney, and Outside Counsel, Section 551.071**

Consult and discuss with the City Attorney and Attorney(s) with the law firm of Crenshaw, Dupree and Milam, who represent the City, contemplated litigation with the City Manager, Rick Menchaca.

Consult and discuss with the City Attorney and Attorney(s) with the law firm of Crenshaw, Dupree and Milam, who represent the City, a proposed settlement offer with the City Manager, Rick Menchaca.

Consult with the City Attorney and Attorney(s) with the law firm of Crenshaw, Dupree and Milam, regarding matters in which their duty to the Midland City Council clearly conflicts with Chapter 551 of the Texas Government Code.

**Personnel Matters, Section 551.074**

To deliberate the employment, evaluation, reassignment, duties, pay, discipline, administrative leave or dismissal of the City Manager, Rick Menchaca.

Take action as necessary regarding items discussed in closed session as described above.

Respectfully submitted,

Tommy T. Hudson  
Interim City Manager